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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MARTINEZ et al.

Application No.: 10/808,736

Filed: 3/18/2004

For: SYSTEMS & METHODS FOR  
AUTOMATING ASPHALT MIX  
DESIGN

Examiner: Davis, Octavia L.

Art Unit: 3037

**RESPONSE**

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

Sir:

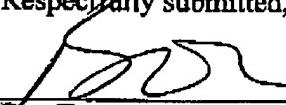
Attached is a Declaration and a copy of the Notice to File Missing Parts.

Please charge any required small entity fees to Deposit Account 501861.

If for any reasons the Examiner believes a telephone conference would in any way expedite resolution of the issues raised in this appeal, the Examiner is invited to telephone the undersigned at 408-528-7490.

Respectfully submitted,

By:

  
Bao Tran  
Reg. No. 37,955

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/808,736	03/18/2004	David Frederick Martinez	ATSER-007C1

David F. Martinez  
ATSER  
1150 Richcrest Drive  
Houston, TX 77060

CONFIRMATION NO. 5373  
FORMALITIES LETTER  
  
 "OC000000012899344"

Date Mailed: 06/08/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filling a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$450 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

10/07/04 THU 21:05 FAX 4088842439

Tran

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*T Segalman*  

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